United Nations CEDAW/C/PRK/Q/2-4

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 4 of the provisional agenda
Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

List of issues and questions in relation to the combined second, third and fourth periodic reports of the Democratic People's Republic of Korea

1. Please provide information on the measures taken by the State party to implement the Committee's recommendations contained in its concluding comments in relation to the initial report of the State party (CEDAW/C/PRK/CO/1) and, more generally, the recommendations issued by United Nations treaty bodies working on human rights and efforts to combat discrimination. Please elaborate on the mechanism that the State party envisages putting into place to strengthen the dialogue with the Committee and technical cooperation with United Nations entities working on the human rights of women. In relation to the law adopted in 2015, please inform the Committee about the role and mandate of national civil society organizations receiving public funding.

Constitutional and legislative framework

2. Please indicate whether there is a comprehensive legislative and constitutional binding framework to promote, enforce and monitor equality and non-discrimination on the basis of sex in all areas covered by the Convention in the light of indicator 5.1.1 of the Sustainable Development Goals. Please provide information on the proactive measures taken and policies put into place to ensure formal and substantive equality between women and men.

3. With reference to paragraph 18 of the report of the State party (CEDAW/C/PRK/2-4),[1] the Committee notes that international conventions have the

Note: The present document is being circulated in English, French and Spanish only.

[1] Unless otherwise indicated, paragraph numbers refer to the combined second, third and fourth periodic reports of the State party.

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same status as national legislation and that when a discrepancy arises the one that is more favourable for the realization of the rights of women takes precedence. Please provide detailed information about the cases in which there was a discrepancy or conflict between the provisions of the Convention and national legislation, in particular a provision of national law and an article of the Convention, the reasoning that was applied and the outcome. In the report of the State party, it is indicated that a comprehensive review of all laws was conducted and that none contained provisions relating to discrimination against women (para. 15). Please inform the Committee as to whether the minimum age of marriage has been reviewed to ensure equality. In addition, it is indicated that the Law on the Protection and Promotion of the Rights of Women, adopted on 22 December 2010, further fostered the social climate of respecting and prioritizing women (para. 17). Please provide detailed information on how the law embodies the principle of equality between women and men and does not further contribute to the reinforcement of socially perceived characteristics of women, which may perpetuate inequality and discrimination against women, as well as on the measures taken by the State party to ensure access for women to information about their rights according to the law. Please inform the Committee of the measures taken to ensure the implementation of the law in practice.

Definition of discrimination against women

4. In paragraph 11 of the report of the State party, it is indicated that article 2 of the Law on the Protection and Promotion of the Rights of Women prohibits all forms of discrimination against women and that the article defines "all forms of discrimination" as discrimination in all fields, as covered by the Convention. Please provide detailed information on whether that definition prohibits direct and indirect discrimination in the private and public spheres, as well as intersecting forms of discrimination, in line with articles 1 and 2 (b) of the Convention. Please explain what guidance was issued and what procedures were put into place to ensure that article 2 is consistently applied in accordance with the Convention and please provide detailed information on discrimination-related cases brought before the courts after the adoption of the law. Please describe specific awareness-raising activities targeting women in rural areas and groups of women in disadvantaged situations.

Access to justice

5. Please provide detailed information about the provisions specific to discrimination against women in the Law on the Compensation for Damages, adopted in 2005, on the cases brought before the courts under the law and their outcomes. With reference to paragraphs 24 to 26 of the report of the State party, please explain how the amended Law on Complaints and Petitions and the implementing regulations ensure the confidentiality of the process, make legal counsel available to women, allow for appeal and provide for adequate criminal sanctions when applicable.

Institutional framework and national machinery

6. With reference to paragraph 20 of the report of the State party, please explain how the establishment of the National Committee for Implementing International

Human Rights Treaties, in April 2015, addresses the Committee's previous recommendation to provide adequate visibility, power and resources to the national machinery for the advancement of women. Please indicate the composition of the National Committee, specifying the number of women and men and their expertise in the field of the human rights of women. With reference to paragraph 21 of the report, please provide information on the status of implementation of the National Committee's recommendations to the Presidium of the Supreme People's Assembly, the Cabinet and the Central Bureau of Statistics, since April 2015.

7. In paragraph 22 of its report, the State party informed the Committee that monitoring of the implementation of the Convention was undertaken by a multitude of entities. Please describe the mandate of those entities in that regard and how the State party ensures effective leadership and appropriate coordination in urban and rural areas. Please provide information on whether a specialized body tasked with the inclusion of a gender perspective in all policies and programmes of the State party has been established by law.

8. With reference to paragraphs 32 and 34 of the Committee's previous concluding comments (CEDAW/C/PRK/CO/1), please provide detailed information on the content, adoption and implementation of the 10-year national comprehensive and coordinated plan of action to promote gender equality and on the putting into place of a comprehensive system of data collection and measurable indicators for the assessment of the situation of women and the measurement of progress towards de facto equality, and include data disaggregated by sex and by area (rural or urban) on the results achieved.

Temporary special measures

9. With reference to paragraph 26 of the Committee's previous concluding comments (CEDAW/C/PRK/CO/1), in which it recommended that the State party should ensure the adequate representation of women in the people's committees, please indicate the measures taken to promote parity, and please provide data on the participation of women in the people's committees disaggregated by level of post. In paragraphs 44 and 45 of its report, the State party informed the Committee of the use of a table to proportionally assign male and female workers by occupation, according to the standards of the job assignment and the economic sector concerned. Please indicate the time frame for those temporary special measures and how the State party envisages eliminating indirect and hidden discrimination against women through their assignment or encouragement to work in certain areas according to prevailing perceptions of the physical attributes and characteristics of women.

Stereotypes and gender-based violence against women

10. The Committee takes note of the information provided in paragraph 61 of the report of the State party and, in relation to paragraph 38 of the Committee's previous concluding comments (CEDAW/C/PRK/CO/1), requests the State party to provide detailed information on the results of research conducted on the incidence, causes and consequences of violence against women, including domestic violence. Please indicate the legal measures taken to criminalize violence against women, including rape, marital rape and harassment, and to ensure that perpetrators are prosecuted and punished. Please also indicate the remedies available to women who

are survivors of domestic violence and the sanctions against perpetrators according to the law. Please provide information on the measures taken to train health-care workers to identify signs of abuse and to ensure that women and girls who are survivors of violence have access to immediate means of redress and protection and that law enforcement agents, in particular members of the police force, are adequately trained to respond effectively to cases of violence against women. Please provide information on the number of cases of domestic violence that were reported to the Ministry of People's Security between 2005 and 2016 and the number of prosecutions and convictions, disaggregated by year, sex of the perpetrator and the victim, and geographical area (rural or urban). Please provide information on the existence of facilities to shelter women who are victims of domestic violence and the medical, psychosocial and legal services available to them. Please also provide information on the steps taken to raise awareness of the fact that domestic violence is a crime and a violation of the rights of women, rather than a private family matter. Please indicate whether the State party intends to pursue a policy against stereotypes, as defined in article 5 of the Convention, which are factors in inequality and discrimination.

Trafficking and exploitation of prostitution

11. With reference to the Committee's recommendation in its previous concluding comments (CEDAW/C/PRK/CO/1, para. 42), please provide information on the measures taken to train law enforcement officials, migration officials and border police officers on the causes, consequences and incidence of trafficking and to prevent and combat trafficking, including the early identification of victims and their referral to the relevant services and/or authorities. Please also provide information on the measures taken to systematically collect information on the incidence of trafficking and on the development and implementation of a comprehensive strategy that includes measures for the prevention of trafficking and the prosecution and punishment of offenders, as well as measures for the rehabilitation and reintegration of victims. Please provide detailed information on measures taken to identify victims of trafficking or forced prostitution; to provide them with adequate care and protection, specifying the number of women who were victims, disaggregated by year; and to prevent them from being criminalized. Please indicate the number of people convicted of sexual offences, including exploitation of prostitution and rape, disaggregated by year, sex, offence and sentence, between 2005 and 2016.

Participation in political and public life

12. With reference to paragraph 77 of the report of the State party, please provide the percentage of women elected to the Supreme People's Assembly and the local-level people's assemblies in all elections held between 2005 and 2013. With reference to the information provided in paragraph 79 of the report, please describe the prescribed quotas for women, disaggregated by ministry, national institution, enterprise, organization level and position occupied, and year, between 2005 and 2016. In the light of the information provided in paragraph 88 indicating that women constitute 4.9 per cent of holders of overseas diplomatic postings, please provide information on the measures envisaged to increase the representation of women in the foreign service.

Education

13. In paragraph 96 of its report, the State party indicated that no woman would be denied admission to university or college or subject to restrictions on account of being a woman, save for specially designated courses. Please specify which courses are not available to women, and clarify the justification for the restrictions. With reference to paragraph 109, the Committee notes that women constitute 60 per cent of students enrolled at the tele-college and that, from the 113 first-term graduates in 2015, 23 per cent were women. Please provide information on the reasons for the discrepancy between the percentage of women enrolled and the percentage of women graduates and the measures envisaged to support women in graduating on an equal basis with men. Please provide detailed information on the number of women and men entering university-level institutions, disaggregated by geographical origin (rural or urban), field of study and year, between 2005 and 2016.

Employment

14. Please indicate whether the State party intends to review its labour legislation and put an end to the forced labour of women, namely through "economic assignment", "social mobilization" and "*dolgyeokdae*" (work or labour brigades), which deprives women of the freedom of choice, reduces their wages to the lowest level and exposes them to violence. With reference to paragraphs 30 and 49 of the report, please explain how the Law on Labour Protection, adopted in July 2010, and the amended Regulations on Labour Discipline of July 2015 do not contribute to further discrimination against working women, when institutions, enterprises and organizations take into consideration "women's constitutional features" when assigning work and granting leave to women for "nursing their family members or child-rearing". With reference to paragraph 123 of the report of the State party, please indicate which employment occupations and areas are classified as unfit for women. Please clarify the role of *song bun* (social classification) in determining the workplaces of women.

15. Following the economic crisis and the difficulties faced by the Government's food distribution system, women increasingly began to work in private markets. Please provide information on measures taken to ensure that women have equal opportunities to access positions of responsibility in the management of those markets. Please provide detailed information on the measures taken to address extortion, sexual violence and abuse and other types of physical and verbal violence faced by women working in those markets, including existing mechanisms to safely report abuses, the number of investigations and prosecutions conducted, the types of offences and the types of sanctions issued. Please provide information on measures taken to provide redress to women who faced abuse, and indicate what measures are envisaged for recognizing and ensuring the right of married women to have the same professional opportunities on an equal basis with men.

Health

16. With reference to paragraphs 164 and 183 to 185 of the report of the State party, please provide information on maternal mortality, disaggregated by year, geographical area (rural or urban) and cause, between 2005 and 2016. With reference to paragraph 165 of the report, please provide information on the main

achievements of the eight strategic areas of the reproductive health strategy for 2011-2015, disaggregated by year and geographical area (rural or urban). Please provide detailed information about the availability of, and access to, general, sexual and reproductive health care for all women in all parts of the country, disaggregated by area. In addition, please provide information on measures taken to target men and boys in the context of the State party's policy on sexual and reproductive health.

Rural women

17. With reference to paragraphs 232 and 233 of the report of the State party, please provide information on the percentage of women occupying leading positions in farms and other agricultural institutions and enterprises during the reporting period, disaggregated by year, province and county, position (including in markets or branch markets) and their geographical origin (rural or urban). With reference to paragraph 241 of the report, please indicate the proportion of rural households with access to safe drinking water and sanitation, disaggregated by year, between 2005 and 2016.

Disadvantaged groups of women

18. With reference to the Committee's recommendation in its previous concluding comments (CEDAW/C/PRK/CO/1, para. 42), please provide information on the measures taken with regard to women returnees who went abroad without valid travel permits to assist them to reintegrate into their families and society and to protect them from all forms of violations of their rights. Please provide information on the number of those women and the proportion of them who were subject to criminal sanctions and/or assigned to re-education programmes, between 2005 and 2016. With reference to the Committee's previous recommendation (ibid., para. 50), please provide information on the number of women in detention, disaggregated by year, offence and sentence, between 2005 and 2016. Please also provide information on the mortality rate for women in prison, disaggregated by year and cause of death, and on complaint mechanisms through which women inmates can report abuses, including sexual violence.

19. Please provide information on the measures taken to eliminate systemic and massive violations of women's fundamental human rights in detention camps, as reported in the context of investigations of international human rights mechanisms. Please provide information on the number of women and the ratio of women to men detained in *kyohwaso* (ordinary prison camps) and in *kwanliso* (political prison camps).

20. Please provide information on the measures taken to ensure that women are protected from sexual and gender-based violence in all places of detention. Please also provide information about existing regulations concerning the methods of search, including body search, and medical examination conducted when a woman arrives at a detention facility. Please provide information on measures taken to effectively respect the prohibition of torture, as defined in article 166 of the Criminal Procedure Law of 2012, and on the number of complaints filed by women detainees, the way in which they were addressed and their outcome. Please provide information on the existing regulations concerning the treatment of pregnant detainees and prisoners.

Optional Protocol and amendment to article 20 (1) to the Convention

21. Please indicate any progress made towards accession to the Optional Protocol to the Convention and towards the acceptance of the amendment to article 20 (1) of the Convention concerning the meeting time of the Committee.